Permit Fact Sheet

General Information

Permit Number:	WI-0063029-04-0
Permittee Name:	Legacy Farms LLC
Address:	W8659 Woodyard Road
City/State/Zip:	Shell Lake WI 54871
Discharge Location:	Town of Barronett
Receiving Water:	North Fork Clam River
Stream Classification:	Class III Trout Stream

Animal Units					
	Current AU		**Proposed AU** **(Note: If all zeroes, expansions are not expected during permit term)**		
Animal Type	**Mixed**	**Individual**	**Mixed**	**Individual**	**Date of Proposed Expansion**
Dairy Calves (under 400 lbs.)	80	0	0	0	
Milking and Dry Cows	1792	1830	0	0	
Heifers (400 lbs. to 800 lbs.)	210	350	0	0	
Heifers (800 lbs. to 1200 lbs.)	385	350	0	0	
Beef Cows	10	10			
Total	2477	1830	0	0	

Facility Description

Legacy Farms is an existing Concentrated Animal Feeding Operation (CAFO) dairy farm in Washburn County, within the township of Barronett. The farm is owned and operated by Rodney, Brenda, Reuben, John, and Noah of the Schloneger Family. The farm currently operates two sites used to raise livestock. Sites include the Main Dairy Site and Calf Site. Combined, these sites house approximately 1,280 milking/dry cows, 700 heifers, 400 calves, 10 beef cows (~2,477 animal units).

The Legacy Farms operation is made up of several freestall barns, milking parlor, feed storage bunker area, four liquid waste storage lagoons, calf barns, and one outdoor heifer lot. The four lagoons currently provide the farm with approximately 221 days of liquid waste storage.

Legacy Farms has plans to no longer use the previous satellite site known as the North Woodyard Site. This site is located east of the main dairy and was an open feedlot area used to raise a small number of beef cows. Legacy Farms also intends to reduce the number of heifers raised on site and slightly increase cow numbers. This change would not result a big change in total animal units or total manure generation.

Substantial Compliance Determination

Enforcement During Last Permit:

On February 1, 2018 DNR issued Legacy Farms a Notice of Violation (NOV) due to a runoff event where manure left a field boundary and reached Waters of the State. An in-person enforcement conference was held on February 12, 2018 at the Spooner WI DNR office. Legacy Farms has completed all previously required actions as part of this enforcement process.

Based on submitted reports and DNR site visits on October 27, 2019 and October 28, 2020, Legacy Farms has been found to be in substantial compliance with their current permit.

Sample Point Designation for Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/sample Contents and Treatment Description (as applicable)**	
001	WSF-1: Sample point 001 is for liquid waste stored in waste storage facility-1(known as Pit-1). Pit-1 is a concrete-lined storage structure located north of the feed storage pad. This storage structure has a maximum operating level (MOL) volume of approximately 2.2 million gallons and was constructed in 2001. This storage structure accepts manure and process wastewater produced at the Dairy Site.	
003	WSF-4: Sample point 003 is for liquid waste stored in waste storage facility-4(known as Pit-4). Pit-4 is a HDPE lined storage structure located south of the feed storage pad. This storage structure has a maximum operating level (MOL) volume of approximately 653,000 gallons and was constructed in 2015. This storage structure accepts process wastewater (silage leachate) generated on the feed storage pad. This storage structure was designed and constructed to also be used to store manure generated at the site.	
004	WSF-3: Sample point 004 is for liquid waste stored in waste storage facility-3 (known as Pit-3). Pit-3 is a concrete-lined storage structure located south of the feed storage pad. This storage structure has a maximum operating level (MOL) volume of approximately 1.2 million gallons and was constructed in 2009. This storage structure accepts manure and process wastewater produced at the Dairy Site.	
005	WSF Solids: Sample point 005 is for any manure solids removed from waste storage facilities. This includes manure-laden sand solids, manure fiber solids, etc. Representative samples shall be taken from each waste storage facility.	
006	WSF- 2: Sample point 006 is for liquid waste stored in waste storage facility-2 (known as Pit-2). Pit-2 is a concrete-lined storage structure located north of the feed storage pad. This storage structure has a maximum operating level (MOL) volume of approximately 6.8 million gallons and was constructed in 2015. This storage structure accepts manure and process wastewater produced at the Dairy Site.	
007	Daily Generated Solids: Sample point 007 is for solid manure sources that are directly land applied and not stored in a waste storage facility. This includes solid sources such as calf pen manure, maternity pen pack, heifer pen pack, composted manure, etc. Representative samples shall be taken for each manure source type.	
008	Feed Storage Area & Runoff Control System: Sample point 008 is for visual monitoring and inspection of the feed storage area and associated runoff control system located at the Dairy site. Proper operation and	

Sample Point Designation for Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/sample Contents and Treatment Description (as applicable)**	
	maintenance is required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program. An engineering evaluation of the feed storage area and runoff control system shall be submitted according to the Schedules section of the permit.	
009	Outdoor Heifer Lot: Sample point 009 is for visual monitoring & inspection of all outdoor heifer lot and associated runoff control systems at the Dairy Site. Proper operation and maintenance are required to prevent unlawful discharges. Weekly inspections are required and shall be recorded according to the Legacy Farms Monitoring and Inspection Plan.	
011	Storm Water Runoff Control System: Sample point 011 is for visual monitoring and inspection of all production site storm water conveyance systems. This includes roof gutter and downspout structures, drainage tile systems, grassed waterways and other diversion systems that transport uncontaminated storm water. Proper operation and maintenance is required to keep uncontaminated runoff diverted away from manure and process wastewater handling systems. Weekly inspections are required and shall be recorded according to the Legacy Farms Monitoring and Inspection Plan.	
012	Headland Stacking: Sample point 012 is for solid manure stacked in approved headland stacking locations. Representative samples shall be taken of this manure prior to land application. Note: Headland stacking sites are subject to production site discharge limitations; weekly visual monitoring is required during use of stacking sites to ensure discharges to waters of the state do not occur.	

1 Livestock Operations - Proposed Operation and Management

Production Area Discharge Limitations

Beginning on the effective date of the permit, the permittee may not discharge pollutants from the operation's production area (e.g., manure storage areas, outdoor animal lots, composting and leachate containment systems, milking center wastewater treatment/containment systems, raw material storage areas) to navigable waters, except in the event a 25-year, 24-hour rainfall event (or greater) causes the discharge from a structure which is properly designed and maintained to contain a 25-year, 24-hour rainfall event for this location as determined under s. NR 243.04. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded.

Runoff Control

The permit requires control of contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the Production Area Discharge Limitations and to comply with surface water quality standards and groundwater standards. Beginning on the effective date of this permit, (if needed) interim measures shall be implemented to prevent discharges of pollutants to navigable waters. In addition, permanent runoff control system(s) shall be designed, operated and maintained in accordance with the requirements found in USDA Natural Resources Conservation Service standards and ch. NR 243, Wis. Adm. Code. If any upgrading or modifications to runoff controls are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

Manure and Process Wastewater Storage

The permit requires the operation to have adequate storage for manure and process wastewater and that storage or containment facilities are designed, operated and maintained to prevent overflows and discharges to waters of the state. In order to prevent overflows, the permittee must maintain levels of materials in liquid storage or containment facilities at or below certain levels including a one-foot margin of safety that can never be exceeded. If any upgrading or modifications

to the storage facilities are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

The permittee currently has approximately 221 days of storage for liquid manure. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

Solid Manure Stacking

The operation has proposed to stack solid manure in the future. All stacking of solid manure shall be done in accordance ch. NR 243, Wis. Adm. Code, which includes restrictions from NRCS Standard 313. Stacking of manure is considered to be part of the production area and is subject to the Production Area Discharge Limitations.

Ancillary Service and Storage Areas

The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas. These areas are called ancillary service and storage areas and include access roads, shipping and receiving areas, maintenance areas, refuse piles and CAFO outdoor vegetated areas.

Nutrient Management

With 1,280 milk/dry cows, 700 heifer, 10 beef cows, and 400 calves, it is estimated that approximately 17.9 million gallons of manure and process wastewater, along with approximately 3,750 tons of solid manure will be produced annually. Legacy Farms owns *approximately* 1,327 acres of cropland and rents an additional 553 acres. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number or practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

The permittee must also implement conservation practices when applying manure near navigable waters and their conduits, referred to as the Surface Water Quality Management Area (SWQMA). These practices include a 100-foot setback from navigable waters and their conduits, a 35-foot vegetated buffer adjacent to the navigable water or conduit, or a practice that provides equivalent pollutant reductions equivalent to or better than the 100-foot setback.

In addition, the permittee must comply with restrictions on land application of manure and process wastewater on frozen or snow-covered ground. Included in these restrictions is a prohibition on surface applications of solid manure ($\geq$12% solids) on frozen or snow-covered ground during February and March. Beginning January 1, 2010, non-emergency surface applications of liquid manure (<12%) on frozen or snow-covered ground are prohibited.

Monitoring and Sampling Requirements

The permittee must submit a monitoring and inspection program that outlines how the permittee will conduct self-inspections to determine compliance with permit conditions. These self-inspections include visual inspections of water lines, diversion devices, storage and containment structures and other parts of the production area. The permit requires periodic inspections and calibrations of landspreading equipment. The permittee must take corrective actions to problems identified inspections or otherwise notify the Department. Samples of manure, process wastewater and soils receiving land applied materials from the operation must also be collected and analyzed.

Sampling Points

The permit identifies the different sources of land applied materials (e.g., manure storage facilities, milking centers, egg-washing facilities) as "Sampling Points." For these Sampling Points, the permittee is required to sample and analyze the different sources for nutrients and other parameters which serve as the basis for determining rates of application for these materials. Other areas are also identified as Sampling Points as a means of identifying them as areas requiring action by the permittee, such as an upgrade or evaluation of a certain system or structure (e.g., runoff control systems), even though sampling is not actually required.

Sample Point Number: 001- WSF-1; 003- WSF-4; 004- WSF-3; 006- WSF-2

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total		lb/1000gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

1.1.1 Changes from Previous Permit

No changes made

1.1.2 Explanation of Operation and Management Requirements

Legacy Farms is required to comply with all waste storage facility requirements addressed in the permit. This includes recording weekly level measurements of liquid waste in each structure.

Sample Point Number: 005- Solids from WSFs; 007- Daily Generated Solids, and 012- Headland Stacking

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**

1.1.3 Changes from Previous Permit

Sample points for solid waste produced onsite have been edited to match the manure management strategy implemented by Legacy Farms.

1.1.4 Explanation of Operation and Management Requirements

Representative samples will need to be taken from each sample when the material is land applied.

Sample Point Number: 008- Feed Storage & Runoff Control; 009- Outdoor Heifer Lot, and 011- Storm Water Runoff Controls

1.1.5 Changes from Previous Permit

Sample Points 008, 009, and 011 have been added to the permit to comply with Monitoring & Inspection Plan requirements.

1.1.6 Explanation of Operation and Management Requirements

Sample Points for runoff controls have been added and will require Legacy Farms to routinely inspect areas to ensure permit discharge limitations are being met. These areas will be addressed in the Legacy Farm Monitoring & Inspection Plan.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 30 days of permit coverage, available to the Department upon request.	03/03/2022

2.2 Monitoring & Inspection Program

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall submit a proposed monitoring and inspection program within 30 days of the effective date of this permit.	03/03/2022

2.3 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2023

Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2024
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2025
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2026
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2027
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.4 Nutrient Management Plan

Required Action	Due Date
Management Plan Submittal: Submit any necessary updates to the Nutrient Management Plan to meet the conditions outlined in this permit (see conditions in the Livestock Operational and Sampling Requirements section).	
Management Plan Annual Update #1: Submit an Annual Update to the Nutrient Management Plan by March 31st of each year. Note: In addition to Annual Updates, submit Management Plan Amendments to the Department for written approval prior to implementation of any changes to nutrient management practices, in accordance with the Nutrient Management requirements in the Livestock Operational and Sampling Requirements section.	03/31/2022
Management Plan Annual Update #2: Submit an Annual Update to the Nutrient Management Plan.	03/31/2023
Management Plan Annual Update #3: Submit an Annual Update to the Nutrient Management Plan.	03/31/2024
Management Plan Annual Update #4: Submit an Annual Update to the Nutrient Management Plan.	03/31/2025
Management Plan Annual Update #5: Submit an Annual Update to the Nutrient Management Plan.	03/31/2026
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient Management Plan until permit reissuance has been completed.	

2.5 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	08/04/2026

2.6 Explanation of Schedules

No evaluations or system upgrades were identified during the 2020 site inspection. Permit Schedule items included are standard CAFO permit requirements.

Special Reporting Requirements

No special reporting requirements are included in this permit.

Attachments:

Nutrient Management Plan Approval Letter

Proposed Expiration Date:

January 31, 2027

Justification of Any Waivers from Permit Application Requirements

N/A

Prepared By:

Jeffrey Jackson **Agricultural Runoff Management Specialist**

Date: November 23, 2021

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DEPARTMENT OF NATURAL RESOURCES
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September 30, 2021

Washburn County
Approval

John Schloneger
Legacy Farms LLC
W8659 Woodyard Road
Shell Lake, WI 54871

SUBJECT: Conditional Approval of Legacy Farms LLC Nutrient Management Plan, WPDES Permit No. 0063029-04

Dear Mr. Schloneger:

After completing a review of Legacy Farms LLC 2021-2025 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with Nutrient Management Requirements in s. NR 243, Wis. Adm. Code. This part of your WPDES permit application is now ready for the public notice and comment process as required by Ch. 283 Stats.

Before applying manure onto approved fields each season, the Department recommends Legacy Farms LLC review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Legacy Farms LLC may have:

- Soils that may have bedrock or groundwater within 24 inches of surface,
- Multiple setback areas due to streams, conduits to streams, grassed waterways, wetlands or wells, and
- Evidence of possible soil erosion/flow channels. Note: road ditches or other man made channels may be considered flow channels or conduits to navigable water and may be subject to a SWQMA and setback.

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Legacy Farms LLC maintain compliance with their WPDES permit and Ch. NR 243 requirements.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 2,477 animal units (1,280 milking & dry cows, 10 beef cows, 700 heifers, and 400 calves). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 17,928,015 gallons of manure and process wastewater and 3,750 tons of solid manure in the first year of the permit term.
3. The use of application restriction options 1 and 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.
5. That Legacy Farms LLC currently has 1,841 acres (1,327 owned and 553 controlled through contracts, rental agreements or leases, or under manure agreements) of which 1,841 are spreadable acres.
6. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to a 303(d) impaired water.
7. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters.

8. That no fields are tiled.
9. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
10. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2021-2025 Legacy Farms LLC Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

1. Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered into Snap Plus, evaluated for their nutrient needs, and approved by the Department.

2. The following fields are prohibited from receiving applications of manure or process wastewater:
   - N1 (Default Soil Test)
   - Thannum (Default Soil Test)
   - F5 F6 F7 (P2O5 Balance)

   If Legacy Farms LLC wishes to use these fields for applications of manure or process wastewater all necessary information shall be submitted to the Department prior to application to demonstrate compliance with NR 243 and other applicable codes. Written Department approval amending this condition approval must be received prior to application.

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.

4. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent NH_4-N, percent NO_3-N, phosphorus, potassium, and sulfur.

5. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Legacy Farms LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

   $$\text{First-Year Available N} = NH_4\text{-N} + [0.25 \times (\text{Total N} - NH_4\text{-N})]$$

6. Legacy Farms LLC shall record daily manure applications by using form 3200-123A.

7. Legacy Farms LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using form 3200-123.

WINTER SPREADING

8. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.

9. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
   - R-1 West and East
   - S-1
   - S-4

10. Winter spreading of solid and liquid manure may not occur during the "high risk runoff period" pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.

11. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.

12. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

HEADLAND STACKING

13. No headland stacking sites are approved. Headland stacking sites submitted did not meet criteria required for NRCS 313 (12/05) for manure with a solids contents greater than 32%. Surrounding soils have a perched condition in the upper soil layer than needs verification prior to approval. Stacking sites may be submitted at a later date pending verification.

MANURE & PROCESS WASTEWATER IRRIGATION

14. Irrigation of manure or process wastewater is prohibited.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

15. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.

16. Twenty-nine fields in total have adjusted UW N recommendations due to being in a growing degree day (GDD) transition area. Fields in a GDD transition area can be considered a medium yield soil or a high yield soil based on agronomist's judgement. SnapPlus defaults the soils to a medium yield soil and must be manually adjusted to be a high yield soil.

    A copy of crop yield data for fields with adjusted UW N recommendations shall be included with future annual Nutrient Management Plan Updates until further notice to verify that fields are reaching higher yields and adjustments are appropriate for transition area.

This conditional approval does not limit the Department's regulatory authority to require NMP revisions (based upon new information or manure irrigation research findings) or request additional information in order to confirm or ensure your farm operation remains in compliance with NR 243 and your WPDES permit conditions. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity.

Please keep in mind that approval by the Department of Natural Resources – Runoff Management Program does not relieve you of obligations to meet all other applicable federal, state or locate permits, zoning and regulatory requirements.

If you have any questions regarding this approval I can be reached at 608-444-2869 or Anthony.Salituro@Wisconsin.gov.

Sincerely,

Tony Salituro
WDNR CAFO Intake Specialist
Wisconsin Department of Natural Resources

cc: Jeff Jackson, WDNR Agricultural Runoff Specialist (Jeffrey.Jackson@Wisconsin.gov)
Brad Johnson, WDNR Watershed Field Supervisor (Bradley.Johnson@Wisconsin.gov)
Chris Clayton, WDNR Ag Runoff Section Chief (Christopherr.Clayton@Wisconsin.gov)
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